

Conference Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 322

HOUSE BILL 2545

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3213; AMENDING TITLE 32, CHAPTER 44, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-4404; RELATING TO PROFESSIONS AND OCCUPATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised Statutes,
3 is amended by adding section 32-3213, to read:

4 32-3213. Board actions; records; website; compliance deadline

5 A. IF A HEALTH PROFESSION REGULATORY BOARD DISMISSES A COMPLAINT, THE
6 RECORD OF THAT COMPLAINT IS AVAILABLE TO THAT REGULATORY BOARD AND THE PUBLIC
7 AT ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE. FOR THE PURPOSES OF
8 THIS SUBSECTION, "DISMISSES A COMPLAINT" MEANS THAT A BOARD DOES NOT ISSUE A
9 DISCIPLINARY OR NONDISCIPLINARY ORDER OR ACTION AGAINST A LICENSEE OR
10 CERTIFICATE HOLDER.

11 B. IF A HEALTH PROFESSION REGULATORY BOARD ISSUES A NONDISCIPLINARY
12 ORDER OR ACTION AGAINST A LICENSEE OR CERTIFICATE HOLDER, THE RECORD OF THE
13 NONDISCIPLINARY ORDER OR ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT
14 ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE.

15 C. IF A HEALTH PROFESSION REGULATORY BOARD ISSUES AN ADVISORY LETTER
16 OR LETTER OF CONCERN OR IMPOSES A PRACTICE LIMITATION, DOCUMENTATION OF THAT
17 ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT ALL TIMES AND MAY APPEAR
18 ON THE BOARD'S WEBSITE, REGARDLESS OF WHETHER THE BOARD DEFINES THE ACTION AS
19 A DISCIPLINARY OR NONDISCIPLINARY ACTION.

20 D. IF A HEALTH PROFESSION REGULATORY BOARD MAINTAINS A WEBSITE, THE
21 BOARD MUST DISPLAY ON ITS WEBSITE A STATEMENT THAT A PERSON MAY OBTAIN
22 ADDITIONAL PUBLIC RECORDS RELATED TO ANY LICENSEE OR CERTIFICATE HOLDER,
23 INCLUDING DISMISSED COMPLAINTS AND NONDISCIPLINARY ACTIONS AND ORDERS, BY
24 CONTACTING THE BOARD DIRECTLY.

25 E. THIS SECTION DOES NOT PROHIBIT A HEALTH PROFESSION REGULATORY BOARD
26 FROM CONDUCTING ITS AUTHORIZED DUTIES IN A PUBLIC MEETING.

27 F. A HEALTH PROFESSION REGULATORY BOARD MUST COMPLY WITH THE
28 REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY 1, 2012.

29 Sec. 2. Title 32, chapter 44, article 1, Arizona Revised Statutes, is
30 amended by adding section 32-4404, to read:

31 32-4404. Board actions; records; website; compliance deadline

32 A. IF A NONHEALTH PROFESSION REGULATORY BOARD DISMISSES A COMPLAINT,
33 THE RECORD OF THAT COMPLAINT IS AVAILABLE TO THAT REGULATORY BOARD AND THE
34 PUBLIC AT ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE. FOR THE
35 PURPOSES OF THIS SUBSECTION, "DISMISSES A COMPLAINT" MEANS THAT A BOARD DOES
36 NOT ISSUE A DISCIPLINARY OR NONDISCIPLINARY ORDER OR ACTION AGAINST A
37 LICENSEE OR CERTIFICATE HOLDER.

38 B. IF A NONHEALTH PROFESSION REGULATORY BOARD ISSUES A NONDISCIPLINARY
39 ORDER OR ACTION AGAINST A LICENSEE OR CERTIFICATE HOLDER, THE RECORD OF THE
40 NONDISCIPLINARY ORDER OR ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT
41 ALL TIMES BUT MAY NOT APPEAR ON THE BOARD'S WEBSITE.

42 C. IF A NONHEALTH PROFESSION REGULATORY BOARD ISSUES AN ADVISORY
43 LETTER OR LETTER OF CONCERN OR IMPOSES A PRACTICE LIMITATION, DOCUMENTATION
44 OF THAT ACTION IS AVAILABLE TO THAT BOARD AND THE PUBLIC AT ALL TIMES AND MAY

1 APPEAR ON THE BOARD'S WEBSITE, REGARDLESS OF WHETHER THE BOARD DEFINES THE
2 ACTION AS A DISCIPLINARY OR NONDISCIPLINARY ACTION.

3 D. IF A NONHEALTH PROFESSION REGULATORY BOARD MAINTAINS A WEBSITE, THE
4 BOARD MUST DISPLAY ON ITS WEBSITE A STATEMENT THAT A PERSON MAY OBTAIN
5 ADDITIONAL PUBLIC RECORDS RELATED TO ANY LICENSEE OR CERTIFICATE HOLDER,
6 INCLUDING DISMISSED COMPLAINTS AND NONDISCIPLINARY ACTIONS AND ORDERS, BY
7 CONTACTING THE BOARD DIRECTLY.

8 E. THIS SECTION DOES NOT PROHIBIT A NONHEALTH PROFESSION REGULATORY
9 BOARD FROM CONDUCTING ITS AUTHORIZED DUTIES IN A PUBLIC MEETING.

10 F. A NONHEALTH PROFESSION REGULATORY BOARD MUST COMPLY WITH THE
11 REQUIREMENTS OF THIS SECTION ON OR BEFORE JANUARY 1, 2012.

APPROVED BY THE GOVERNOR MAY 11, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 12, 2010.